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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,279	10/25/2000	Hidehiro Matsumoto	00USFP543-HS	2056
21254	7590	08/20/2004	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			NGUYEN, DAVID Q	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 08/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,279

Applicant(s)

MATSUMOTO, HIDEHIRO

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-23 and 27-29, drawn to a mobile wireless communication system comprising a wireless gateway server apparatus.
 - II. Claims 24-26, drawn to a wireless gateway server apparatus.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the gateway server comprising a plurality of access points is not cited in group I. The subcombination has separate utility such as a plurality of access points.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with James E. Howard on 08/09/04 a provisional election was made without traverse to prosecute the invention of group I, claims 1-23 and 27-29. Affirmation of this election must be made by applicant in replying to this Office action. Group II, claims 24-26 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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Response to Arguments

2. Applicant's arguments with respect to claims 1-13 and 27-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6,8-12, 14-17,19-22 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 6487406) in view of Rasanen (US Patent Number 6445924)

Regarding claims 1 and 8, Chang shows and describes a mobile wireless communication system comprising: an information server (internet 34; fig. 2); a portable terminal for carrying out a communication with the information server through a wireless communication line (see fig. 2 and col. 11, lines 7-10) and comprising a buffer memory which stores information transmitted from the information server (see fig. 1, MS or laptop comprising a memory is well known in the art); a plurality of wireless communication gateway servers (see fig. 2, BSCs 14), wherein a first of the plurality of wireless communication gateway servers is determined based on a position of the portable terminal (see col. 5, line 61 to col. 6, line 20), and comprises a buffer memory emulator (MS-BS table) which stores specification data representing a specification of

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the buffer memory and transmits the information from the information server to the portable terminal based on the specification data (see col. 6, lines 8-45); a switching apparatus (see fig. 2; MSC 12); a wireless telephone server (see fig. 2, 22 HLR) for informing the position of the portable terminal to the plurality of wireless communication gateway servers.

Chang et al. does not mention the switching apparatus for setting another connection between the portable terminal and a second wireless communication gateway server when the communication between the portable terminal and the first wireless communication gateway server congests.

However, Rasanen discloses a switching apparatus for setting another connection between the portable terminal and a second wireless communication gateway server when the communication between the portable terminal and the first wireless communication gateway server congests (see col. 3, line 56 to col. 4, line 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Rasanen to Chang et al. system so that the system can reduce a time required for a portable terminal to access information server and reduce connection time.

Regarding claims 2 and 9, the combination also discloses wherein the first wireless communication gateway server requests the switching apparatus to change a connection from the one connection to said another connection based on informed position (see col. 3, line 56 to col. 4, line 38 of Rasanen)

Regarding claim 3, the combination also discloses wherein the first wireless communication gateway server decides which of said plurality of wireless

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communication gateway servers comprises said second wireless communication gateway server (see col. 3, line 56 to col. 4, line 38 of Rasanen).

Regarding claim 4, the combination also discloses wherein the first wireless communication gateway server provides to said second wireless communication gateway server the specification data which is read from the buffer memory emulator, and wherein said second wireless communication gateway server comprises a buffer memory emulator which stores the read specification data and wherein said second wireless communication gateway transfers the information from the information server to the portable terminal based on the read specification data (see col. 5, line 60 to col. 6, line 42 and fig. 2 of Chang) .

Regarding claim 10, the combination also discloses wherein the wireless communication gateway server refers to the specification data in the buffer memory emulator to access the portable terminal through the second access point (see col. 5, line 60 to col. 6, line 42 and fig. 2 of Chang).

Regarding claims 5 and 11, the combination also shows a network connected to the first wireless communication gateway server, the second wireless communication gateway server, the switching apparatus and the wireless telephone server, wherein the first wireless communication gateway server, the second wireless communication gateway server, the switching apparatus and the wireless telephone server are capable of communicating through the network (see fig. 2 of Chang).

Regarding claims 14-16 and 19-21, the combination describes a method for operating a mobile wireless communication systems comprising storing a specification data which represents a specification of a buffer memory of a portable terminal in a

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buffer memory emulator of a first wireless communication gateway server when the portable terminal is connected to said first wireless communication gateway server (see explanation in claims 1 and 8); changing from one connection between the portable terminal and said first wireless communication gateway server to another connection between the portable terminal and a second wireless communication gateway server, when said first wireless communication gateway server has a congestion; and transferring the specification data from said first wireless communication gateway server to said second wireless communication gateway server (see explanation in claims 1 and 8); information a position of portable terminal from a wireless telephony server to said first wireless communication gateway server (see explanation in claims 1 and 8); sending a request to change from said one connection to said another connection to a switching apparatus which sets a connection for the portable terminal based on the informed position (see col. 6, lines 1-42 of Chang); wherein communication between said first wireless communication gateway server, said second wireless communication gateway sever, the switching apparatus and the wireless telephony server is through a network (see col. 6, lines 1-42 of Chang); wherein said wireless communication gateway server converts a protocol between the portable terminal and information server on a network (see fig. 2 and col. 6, lines 1-42 of Chang)

Regarding claims 6,12, 17 and 22, the combination shows wherein communication between said first wireless communication gateway server, said second wireless communication gateway server, the switching apparatus and the wireless telephone server is through the internet (see fig. 2 of Chang).

Regarding claim 27, the combination also discloses wherein the first wireless communication gateway server provides to said second wireless communication gateway server the specification data which is read from the buffer memory emulator (see col. 6, lines 1 to col. 42 of Chang et al.).

Regarding claim 28, the combination also discloses wherein said second wireless communication gateway server comprises a buffer memory emulator which stores the read specification data (see col. 6, lines 1 to col. 42 of Chang et al.).

Regarding claim 29, the combination also discloses wherein said second wireless communication gateway transfers the information from the information server to the portable terminal based on the read specification data (see col. 6, lines 1 to col. 42 and fig. 2 of Chang et al.).

4. Claims 7,13,18, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 6487406) in view of Rasanen (US Patent Number 6445924) further in view of Valentine et al. (US Patent Number 6449478).

Regarding claims 7,13,18 and 23, the combination does not mention a satellite network connected to the first wireless communication gateway server, the second communication wireless communication gateway server, the switching apparatus and the wireless telephone server; wherein communication between said first wireless communication gateway server, said second wireless communication gateway server, the switching apparatus and the wireless telephone server is through a satellite network. However, Valentine et al shows a satellite network connected to the first wireless communication gateway server, the second communication wireless communication gateway server, the switching apparatus and the wireless telephone server; a first wireless

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communication gateway server, a second wireless communication gateway server, the switching apparatus and the wireless telephone server is through the satellite network (see fig. 1 and 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Valentine to the combination so that satellite network can be used in mobile wireless network.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Nguyen


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